

**TOWN OF ALTON  
ALTON PLANNING BOARD  
ZONING ORDINANCE WORKSHOP**

**December 10, 2009  
APPROVED 12-21-09**

**Members Present:** William Curtin, Chair  
Timothy Roy, Vice Chair  
Scott Williams, Member  
Thomas Hoopes, Member  
Cynthia Balcius, Member  
David Hussey, Member

**Others Present:** Timothy Morgan, Member, Zoning Board of Adjustment  
Sharon Penney, Town Planner  
Lou Lacourse, Prospective Member, Zoning Board of Appeals

**I. CALL TO ORDER**

William Curtin, Chair, called the meeting to order at 5:40 p.m.

**II. APPOINTMENT OF ALTERNATES**

There were none.

**III. APPROVAL OF AGENDA**

W. Curtin suggested moving approval of minutes to the end of the meeting.

**W. Curtin made a motion to accept the agenda as amended. Motion seconded by S. Williams and passed unanimously.**

**IV. PUBLIC INPUT**

W. Curtin opened the floor to public input; remained open for the duration of the workshop.

**V. DISCUSSION**

**SEXUALLY ORIENTED BUSINESSES AND OUTDOOR LIGHTING**

S. Penney asked members if they had received the updates of the Sexually Oriented Business and Outdoor Lighting ordinances. Copies were made for members who did not have them. W. Curtin and S. Williams both stated they had looked at them and did not see any problems with either of them. T. Hoopes questioned who is responsible for the phrasing of the warrant articles. S. Penney answered that S. Ames drafts them, then she (S. Penney) checks them and adds to them, then the Planning Board looks at them. T. Hoopes recalled that they have been surprised in the past due to poorly worded warrants on the ballot. S. Penney added that they then go to Russ. T. Hoopes and S. Penney both made a strong point that in the wording you have to quantify the question and that if you don't, it is just floating around and the context isn't there, and people vote the wrong way because there is no context. T. Hoopes suggested wording for the Sexually Oriented Businesses Ordinance: "Since Sexually Oriented Businesses are permitted anywhere at this point, this

stipulation will limit them to a specific location.” W. Curtin suggested that they could also send a copy to Mr. Sessler for his review; S. Penney thinks they already do that as part of the process. T. Hoopes recalled a poorly worded warrant in the past concerning using vaults and perpetual care money for private graves.

C. Balcius has not reviewed this; she asked for clarification on the Recreational Services zones and where they are located.

W. Curtin asked S. Penney if she had any concerns on the two ordinances mentioned; she does not. No additional concerns were voiced by any members. S. Penney confirmed that all members are comfortable with the Outdoor Lighting and Sexually Oriented Business Ordinances.

#### 155-E (EXCAVATIONS)

S. Penney asked if everyone had a copy of the 1980 excavation regulations. She went through the files and found that there was an effort in 2004 to do updates. The town has an option to create its own permit, which is adjacent to the state permit. The town is the regulator by statute; the permit goes to the state; the state gets the money and the town gets the tax back for the cubic yardage. Mary Pinkham Langer is going to look at these; the legislation changed in 1989 and there are some large gaps in our version. She is aware of the time constraints and will get back to S. Penney soon.

T. Roy asked if there is bonding for reclamation. S. Penney answered that there is a bond for reclamation if you are in arrears for property taxes. T. Roy thinks there should be a bond for reclamation; C. Balcius stated that usually you are bonded. You use two acres, and close up two acres. In her experience it is the town that does the bonding to make sure the reclamation is completed per plan. The problem in the past is that none of the pits have been per plan; an aerial shot would show that a lot of the pits have 10 – 20 acres open. They are out of state compliance for alteration of terrain, and they are out of federal compliance. She has supplied S. Penney with a list of the EPA Notices of Intent; there are probably only three subdivisions in town that are federally compliant right now, including the Heath Site Plan, the Ridgewood Subdivision and one other; this list goes all the way back to 2003. She is wondering about all the other subdivisions that are larger than one acre; for federal compliance it does not have to be contiguous. For State you are looking at 100,000 square feet. There is grandfathering with the new Alteration of Terrain rules; if it is a grandfathered pit, and they are not opening more than 100,000 square feet, are renewing yearly, and are in compliance with reclamation, they do not need a new Alteration of Terrain permit. If they have more than 100,000 square feet open, even if they keep their grandfathered number, they still need to have their application in for Alteration of Terrain. There is a large hole to make sure people are staying compliant. Mary Pinkham Langer has nothing to do with that; she makes sure taxes are being collected according to what is being excavated.

According to Mary, the Planning Board should be reviewing gravel pits annually to make sure they are in compliance. C. Balcius thinks this should not be swept away. There are a lot of subdivisions out there with expired state permits who have been granted extensions. She thinks the Board needs to be fair and consistent. D. Hussey’s pit, including the slopes, is seeded.

S. Penney asked if there is an opportunity for a meeting with Amy Clark/Mary Pinkham Langer to see how regulations apply at a local level and how they work together with the state. D. Hussey suggested a 6-month amnesty for pit owners to get back in compliance before any action is taken. S. Penney has asked Mary Pinkham Langer to look over what we have and make suggestions for what will work and what is obsolete. A comprehensive overhaul is needed, but a band-aid fix for the 1980 regs for this year would be okay. T. Hoopes recalled changes Mary Pinkham Langer had suggested in 2004; S. Penney has that document. S. Penney is hopeful that she will hear back

from Mary Pinkham Langer the beginning of next week. C. Balcius stated that her ultimate goal is to get everyone on the same page and in compliance, and make sure the Board knows what is out there. There was discussion concerning the difficulty of navigating the EPA website to fill out the proper forms; one of their reps is willing to come and speak to anyone with questions. C. Balcius would like to see a forum with Mary Pinkham Langer, Amy Clark, and either Abby Swain or Thelma Murphy from the EPA; anyone with a pit or anyone who works in dirt would be invited to come and listen to what they have to say.

There was discussion concerning using ledge-pack for a road surface; it is considered permanent once it is packed down.

T. Morgan noted that in Section V-C on page 4 of the Town Application from 1980, it does say that a bond is required for reclamation. This is not state; the town would be the regulator of the bond. T. Hoopes said that would come through the Selectmen and the Road Agent as it is used to repair roads damaged by heavy hauling. S. Williams pointed out that what Mr. Morgan had been referring to was a bond for reclamation of a pit.

## CONSERVATION SUBDIVISION

Members and S. Penney voiced concern about being able to get this done well for this year. S. Penney mentioned some possible funding from NH Housing to help write a comprehensive ordinance. There was discussion concerning different subdivisions around the state and the differences in what people are looking for in subdivisions.

## SMALL WIND ENERGY SYSTEMS

S. Williams asked if they could find out what the federal regs are before they work on this one. There was discussion concerning the parameters for different uses. According to charted wind availability, there are only two sites in Alton that could support an operation over 30 kilowatts; Mount Major and Rocky Mountain. 30 kilowatt or higher requests trigger a Site Evaluation at the state level; at this point, that may cover. There was discussion about ideal locations for towers. T. Hoopes recalled a past study done by Tom Cox of LRPC; he did the consulting work for the scenic views assessment. This was to get an idea of what areas need to have the view protected.

There was discussion concerning the federal regulations governing wind power generation.

## EXPANDING THE RC ZONE AROUND THE TRAFFIC CIRCLE

S. Williams brought up a discussion of expanding the RC Zone; there is one corner of the traffic circle that is not zoned RC. There is no need to do an entire corridor change; zone expansion would suffice. T. Hoopes stated that they can't do that because it would be spot zoning. The original zone was created based on the original intersection of Routes 11 and 28. There was discussion concerning the difference between spot zoning and zone expansion. C. Balcius commented that many of those lots don't have driveway cuts onto the major roads, so it needs to be looked at closely. After discussion it was decided that the lot they were talking about is Map 9, Lot 57, which is directly across from the access to McDonald's. When the circle is expanded, that is the time to look at this.

D. Hussey said that in the six years he has been on the Board, this has been discussed over and over, but they never really get into it. Now we're hoping the economy is going to come back, and we need places to put good businesses that want to come into town. T. Hoopes stated that to get it done, they need to plan a full weekend public charette where you get involvement town wide. C. Balcius feels that it is important to let people know when you are changing a lot from Rural

Residential to Residential Commercial; that is a big step. There is not enough commercial zone in town, but it has to be developed in the form of what the Master Plan talks about. Nodal development would be better than strip.

D. Hussey is in favor of opening up Route 28 going toward Concord, Route 11 going toward New Durham, and Route 28 toward Wolfeboro. C. Balcius again brought up the issue of the lack of deeded access. She also mentioned the location of several commercial nodal zones; downtown, the circle, East Alton, South Alton, and West Alton. D. Hussey said that almost every lot going down Route 11 on the right hand side has a driveway cut; C. Balcius believes that many of those have been sold to the state. There was discussion concerning how interested businesses could go through the ZBA for a variance if they are just talking about a couple of lots.

T. Morgan suggested getting money in the budget for a charette.

D. Hussey talked about future tax income needs and how getting business into Alton is important so individual property owners don't have to bear so much of the burden. There was discussion concerning the availability of water and sewer systems. Industrial development was discussed.

S. Williams talked about multi-family housing and the usual lack of rental property in Alton; multi-family housing is allowed in the Rural Residential zone, but not all of that land is suitable. T. Hoopes confirmed that much of the land in the Rural Residential zone is a mile or more from any road. Take the Rural Residential and the Rural; they make up 80% of the town. Consider the distance from paved or dirt roads and access to the highways it would make more sense to break that up into four different zones. There should be buffer zones between the different zones; for example Rural and Lakeshore Residential should have a buffer zone between them. Rural is the area with no roads, then there are other categories. Multi-family can't go at the end of a dirt road in the middle of nowhere. This needs to be done logically; the town needs to benefit.

S. Williams stated that they need to look at the long-term revenue production for the town. There was discussion concerning unavailability of money for growth; there are future needs that need to be met and no real plan for where the money will come from. There was further discussion concerning the need to get real progress toward rezoning and adding commercial land, and what will be needed for doing a charette. S. Penney suggested that \$2,500 would be a good estimate for funds. S. Penney will look into getting LRPC and OEP involved. A target date around the end of April was suggested.

**S. Williams made a motion that the planning charette for rezoning be on the agenda every time they have a meeting. There was no second, so the motion failed.**

**C. Balcius made a motion to form a sub-committee to put together basic information that looks at the areas the Board wants to develop more commercially. Motion was seconded by W. Curtin and passed unanimously.**

C. Balcius and D. Hussey both volunteered to sit on this sub-committee. S. Penney stated that part of her plan for next year is to get data; there is a lack of data in the Planning Office.

S. Williams spoke about impact studies that have been done in the past, and multi-family housing was identified as a problem. The board has not acted on this need, so when the charette happens, the Board really needs to listen to what the people are saying.

C. Balcius talked about the need to revisit impact fees. There is no one thing that is going to fix the revenue issues; commercial development should help, but the business owners will not want to bear the burden. S. Penney pointed out that it is time to take a look at where the town wants to go

because they are not going to have a huge residential bubble again, like what happened ten years ago.

D. Hussey stated that whatever happens, taxes are going to be raised. There are other things out there like selling some of the land the town owns. T. Hoopes pointed out that before any land can be sold by the town, it has to be reviewed by the Conservation Commission and the Planning Board. Some of the little wedges at the sides of the roads can only be offered to the abutters. D. Hussey stated again that there is a need to start doing something to expand commercial property.

W. Curtin suggested that some of the parcels should be saved for storage purposes. There was discussion concerning where commercial property can be; several areas where it can not go were discussed. S. Penney stated that the opportunity created by the Circle upgrade is crucial.

#### **VI. APPROVAL OF MINUTES**

November 30, 2009

**W. Curtin made a motion to accept the minutes of November 30, 2009, as presented. T. Roy seconded the motion which passed with 5 votes in favor and D. Hussey abstaining.**

December 8, 2009

**W. Curtin made a motion to accept the minutes of December 8, 2009 as presented. Motion was seconded by T. Roy, and passed with three votes in favor and T. Hoopes, C. Balcius, and D. Hussey abstaining.**

#### **IV. ADJOURNMENT**

**T. Roy made a motion to adjourn; motion was seconded by S. Williams and passed unanimously.**

Meeting adjourned at 7:00 p.m.

The next workshop will be Monday, December 14, 2009 at 5:00 p.m. There is a regular Planning Board meeting on Tuesday, December 15, 2009 at 6:00 p.m., and another workshop on Thursday, December 17, 2009 at 5:00 p.m.

Respectfully submitted,

Mary Tetreau  
Recorder, Workshop Session